



2023/2028(INI)

20.9.2023

OPINION

of the Committee on Constitutional Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation of fundamental rights in the EU in 2022 and 2023
(2023/2028(INI))

Rapporteur for opinion: François Alfonsi

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SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the progress made on the negotiations towards the EU's accession to the European Convention on Human Rights (ECHR), as required by the Treaty of Lisbon, and the recent provisional agreement reached on the draft revised accession instruments; demands that accession be finalised as soon as possible in order to consolidate and render more coherent the protection of human rights in Europe by subjecting all European institutions to the authority of the ECHR and by enabling individuals to bring cases against the Union directly before the European Court of Human Rights; calls furthermore for the EU to accede to the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages;
2. Calls for the accession of the EU and its Member States to the Council of Europe conventions to be finalised, such as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Lanzarote Convention, the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption, as well as the European Social Charter and the Istanbul Convention; calls on the bodies of the EU and the Member States to foster comprehensive and constructive cooperation with the Council of Europe with the aim of strengthening their responsibilities to guarantee the safeguarding of fundamental rights;
3. Stresses the importance of the Istanbul Convention for the protection of the fundamental rights of women, combating violence and domestic violence and calls on the six Member States who have not yet ratified it to do so without further delay;
4. Calls for the key role of the EU Agency for Fundamental Rights (FRA) to be strengthened, including by expanding its tasks and powers to further promote and protect fundamental rights across the EU;
5. Stresses the role of Member States at all levels, notably the levels of national and regional parliaments, national and local administrations and law enforcement authorities, in ensuring the full application of the Charter of Fundamental Rights (the Charter) when implementing EU law; recalls that the FRA must be granted sufficient capacities and the resources in order to undertake the tasks entrusted to it in accordance with its renewed mandate;
6. Invites the Commission and the Member States to further inform civil society actors and involve them in the implementation of the Charter; recalls that according to the FRA Fundamental Rights Report 2022, there is still room for improvement in the protection and promotion of fundamental rights at local level; recalls the need to guarantee that the rights and principles enshrined in the Charter are correctly taken into account at every step of the EU legislative process and to monitor the implementation of all the rights enshrined therein at all levels of governance; stresses that the EU must also prioritise the education and awareness of its citizens regarding their fundamental rights,

ensuring that they are well informed and empowered to exercise these rights;

7. Takes note of the Council of Europe's report of 6 October 2022 entitled 'Freedom of political speech: an imperative for democracy'; stresses that freedom of expression in the EU must not be limited by the interests, constitutional framework or political choices of a Member State; stresses the importance of media pluralism and freedom of expression; stresses the need to ensure the impartiality and effective independence of national regulatory authorities from governments; strongly condemns unjustified and disproportionate interference by these authorities in journalistic expression and editorial decisions in some Member States; welcomes in this regard the proposal for a European media freedom act and calls for its swift approval;
8. Takes note of the Council of Europe's report of June 2022 entitled 'Pegasus spyware and its impacts on human rights'; expresses deep concern about its conclusion that Pegasus spyware has or potentially could have detrimental effects on human rights and fundamental freedoms, including the right to dignity, freedom of assembly, freedom of religion, and even the physical and psychological integrity of the individual; calls on the Member States to immediately cease the use of Pegasus spyware;
9. Takes note of the opinions, reports and studies of the Venice Commission; requests that they be complied with and appropriately followed up on;
10. Takes note of the reports from the OSCE/ODIHR on election observations in participating states in the EU;
11. Regrets that the fundamental rights and residence status of EU and UK citizens have been severely affected by the UK's withdrawal from the EU; stresses that the Northern Ireland Protocol is a prerequisite for a smooth relationship between the EU and the UK; calls on the UK Government and all Member States to guarantee the full protection of the rights of EU and UK citizens as laid out in the EU-UK Withdrawal Agreement, the Trade and Cooperation Agreement and the Windsor Framework, as well as those enshrined in the Good Friday Agreement;
12. Considers that Russia's war of aggression against Ukraine places the EU in a new situation, namely that of a prospective enlargement to include Ukraine, Moldova, Georgia and the Western Balkan countries, with the Copenhagen criteria as a fundamental basis, notably the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
13. Calls on the Member States to treat all persons that seek refuge from Russia's war of aggression with humanity and solidarity in line with the applicable international laws and agreements; calls, in this regard, for the full implementation of Article 2 of the Treaty on European Union (TEU), particularly as regards the respect for human rights, including in the ongoing negotiations on the new pact on migration and asylum;
14. Welcome the adoption of the European Rule of Law Mechanism by the Commission and consequently the annual publication of the Rule of Law Report since 2020; strongly condemns the severe violations of the principles of the rule of law in some Member States to the detriment of fundamental rights and freedoms; expresses its deep concern, in particular, about decisions which call into question the primacy of EU law and calls

on the Commission to take a very firm stance against persistent attacks in certain Member States against the rule of law or any of the values enshrined in Article 2 TEU, by using all tools available; welcomes the 2023 Rule of Law Report carried out by the Commission and especially the set of specific recommendations to Member States on national justice systems, anti-corruption frameworks, media freedom and pluralism and institutional issues related to checks and balances; reiterates its support for the full implementation of the Rule of Law Conditionality Regulation and its call for an interinstitutional agreement on a new mechanism for democracy, the rule of law and fundamental rights; stresses that in the next revision of the Treaties, Article 7 TEU needs to be reformed and strengthened to ensure its applicability and effectiveness;

15. Suggests that respect for the rule of law should not be merely a precondition for the accession of new Member States, but a binding and enforceable obligation on all Member States, to be monitored throughout their membership of the EU¹;
16. Calls for the creation of annual conferences on the rule of law following the Commission's Rule of Law Report, with delegations from all Member States, involving randomly selected and diverse citizens, parliamentarians, local authorities, social partners and civil society representatives, on the basis of the proposal from the Conference on the Future of Europe;
17. Deplores the recent scandals that have tarnished the EU's image, such as the Qatargate corruption scandal and state espionage using Pegasus, with MEPs among the targets; calls for all the repercussions of these scandals to be thoroughly tackled, with the aim of fully restoring Parliament's reputation and credibility in order to preserve citizens' trust in the European institutions;
18. Welcomes, in this light, the adoption of the amendments to the Rules of Procedure of the European Parliament that aim at strengthening its integrity, independence and accountability;
19. Welcomes the work of the committee of inquiry set up in the European Parliament (PEGA) to investigate existing national laws regulating surveillance, and to establish whether spyware was used for political purposes against, for example, journalists, politicians or lawyers; stresses that the illegitimate use of spyware by national governments undermines European democracy and decision-making processes; calls for greater transparency within the Member States regarding the laws regulating surveillance in order to prevent the emergence of any new mass surveillance scandal;
20. Is appalled by and expresses serious concern about the findings of the European Anti-Fraud Office's report on Frontex operational activities in Greece and the Agency's blatant disregard for the lives of migrants and active violations of their human rights;
21. Requests a proactive policy of access to documents, integrity and transparency from the EU institutions in order to ensure that citizens can effectively exercise their right to scrutinise the work and activities of the EU institutions;

¹ European Parliament resolution of 12 February 2019 on the implementation of the Charter of Fundamental Rights of the European Union in the EU institutional framework. OJ C 449, 23.12.2020, p. 28.

22. Underlines, in line with Article 19 TEU, Article 67(4) of the Treaty on the Functioning of the European Union and Article 47 of the Charter, that an independent judiciary is the cornerstone of the rule of law and of the right to effective legal protection; recommends a departure from the existing approach of tackling rule of law cases in individual countries in an ad hoc manner, and calls for the development of criteria and contextual assessments to guide Member States in recognising and tackling any possible rule of law issues in a regular and comparative manner;
23. Stresses that the rule of law is intrinsically linked to respect for democracy and for fundamental rights and that the three principles must therefore be jointly monitored.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

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| Date adopted | 20.9.2023 |
| Result of final vote | +: 21 -: 3 0: 0 |
| Members present for the final vote | Włodzimierz Cimoszewicz, Ana Collado Jiménez, Gwendoline Delbos-Corfield, Salvatore De Meo, Daniel Freund, Charles Goerens, Sandro Gozi, Zdzisław Krasnodębski, Jaak Madison, Victor Negrescu, Max Orville, Paulo Rangel, Domènec Ruiz Devesa, Jacek Saryusz-Wolski, Helmut Scholz, Pedro Silva Pereira, Loránt Vincze, Rainer Wieland |
| Substitutes present for the final vote | François Alfonsi, Vladimír Bilčík, Mercedes Bresso, Pascal Durand, Alin Mituța |
| Substitutes under Rule 209(7) present for the final vote | Sara Skyttedal |

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

| 21 | + |
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| PPE | Vladimír Bilčík, Ana Collado Jiménez, Salvatore De Meo, Paulo Rangel, Sara Skyttedal, Loránt Vincze, Rainer Wieland |
| Renew | Charles Goerens, Sandro Gozi, Alin Mituța, Max Orville |
| S&D | Mercedes Bresso, Włodzimierz Cimoszewicz, Pascal Durand, Victor Negrescu, Domènec Ruiz Devesa, Pedro Silva Pereira |
| The Left | Helmut Scholz |
| Verts/ALE | François Alfonsi, Gwendoline Delbos-Corfield, Daniel Freund |

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| ECR | Zdzisław Krasnodębski, Jacek Saryusz-Wolski |
| ID | Jaak Madison |

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Key to symbols:

+ : in favour

- : against

0 : abstention